SH2262863

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Investigator's Log

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Officer Involved Shooting Form

Investigative Summary

Transcribed Interviews:
- **-Deputy John MacDonald**
- **-Deputy Stephen Longan**
- **Deputy Michael Pokorney**
- **-Deputy Jodi Hutak**

Exhibits:

A- Homicide Book

Miscellaneous Documents

-Administrative Rights/ Force/Shooting Review

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 09/29/10	Bureau/Station/Facility: Leadership and Training /IAB	Admin. Invest.? [X] Hit? [X]

Incident Information

URN: 010-00022-3199-055	Date: 03/09/10 Time: 1100
City or Station: Bell	Nature of Incident: Deputy MacDonald who was designated to protect the arrest team while observing the suspect's residence from a turret position, saw the suspect move toward the arrest team, pointing a handgun with intentions of assaulting them. Fearing for the arrest teams safety, and realizing that the arrest team did not know the suspect was about to assault them, Deputy MacDonald fired five rounds from his Colt M4 Rifle, wounding the suspect.
Location: [redacted] Bear Avenue, #A Bell, CA 90201	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, **Residence**, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **Daylight**, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other**, Routine Patrol

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 0

Aero Unit? [ ] Canine Unit? [X]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Longan	Stephen		EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	Pokorney	Michael		EM PM **Day**	**Regular** Overtime Off Duty
	Hutak	Jodi		EM PM **Day**	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.: [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.: [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph	Home Ph: [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
				On Duty; Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.

PSTD Use Only

SH # ______________

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/09/10	1300	11/19/10	

Employee #	Last Name	First Name	M.I

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC	ZZ	45	Y	Y	NN	
E#1	S#1	FR	CO	22	Y	Y	PW	GR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 010-00022-3199-055

Involved Employee

E 1

Employee # [redacted]	Last Name: MacDonald	First Name: John	M.I.: P
Sex: M Race: White	Rank: Deputy Sheriff	Unit Assignment: SEB	Work Assignment (Unit #, Module, etc.): Swat Deputy, Gold Team
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 508 Weight: 175			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 2 Directed Force: [redacted]
Weapons Fired Brand: Colt, M4/M16A2E Caliber: 223 # Shots: 5	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots	Weapons Fired Brand: Caliber # Shots		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shootir
Suspect Information

Suspect Information

S 1

Last Name: Perez	First Name: Arturo	M.I.: M
AKA Last Name: Moreno	First Name: Arturo	M.I.: P
Sex: M Race: Hispanic	Street Address: [redacted] City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #: [redacted]	Driver's License #: [redacted]
Age: 55 D.O.B. 11/02/54	Height: 506 Weight: 165 FBI #: None	CII #: None
Booking #: None	Primary Charge: 207(a)PC	Secondary Charge: 417(c)
Coroner Case? [ ]	Coroner Case #: Intoxication/Drug Usage? [X]	Substance Used: Cocaine and Alcohol
Armed? [X]	Apprehended? [X] Mental Illness? [X]	Criminal History? [redacted]
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #: Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #: Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #: Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make:	Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I.
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB CASE NUMBER SH2262863
URN# 010-00022-3199-055

Sergeants Brenda Parker, David Bly, Diana Gealta and Lieutenant Mike Grimaldi responded to the City of Bell to investigate a deputy-involved hit shooting. Investigators learned the following:

On March 09, 2010 at approximately 0939 hours, Officers from Bell Police Department responded to the [redacted] Bear Avenue, regarding a "man with a gun" call. Upon their arrival, they attempted to contact the suspect, but he refused to open the door. The suspect yelled at the officers, and asked them if they were from the "F.B.I." The suspect continued to request to speak to the F.B.I. Officers observed the suspect's behavior was strange, and were not able to see exactly where the suspect was positioned inside the location. They could only hear him.

The officers retreated away from the immediate area of the door and found cover near the surrounding area. As Officer [redacted] was moving toward cover, Officer [redacted] saw the suspect through the curtains of the front window of the location point a black semi-automatic handgun at Officer [redacted] Officer [redacted] yelled "Gun, watch out!" In fear for his life, Officer [redacted] ran for cover. The officers immediately contained the location. During this early stand off the officers called for the suspect to surrender over the units P.A . System, but he would not respond. [redacted] efused to come out, and at times would open and close the front door of his residence. The suspect brandished his handgun toward the direction of officers approximately two times, and immediately closed the door to his residence each time, barricading himself.

Due to the circumstances, Bell P.D. [redacted] grew concerned for the safety of the three potential victims inside of the location as well as the apprehension of the suspect for assaulting Officer [redacted] with a handgun. Bell P.D. [redacted] contacted the Los Angeles County Sheriff's Department Special Enforcement Bureau (S.E.B.)

Deputies from Special Enforcement Bureau relieved the Bell Police Officers who were containing the location. The special enforcement deputies placed a Armored Response Vehicle (ARV) in the adjacent property with Deputy MacDonald assigned to observe the front door of the location from the turret on top of the vehicle. The special enforcement deputies then formed an arrest team with K-9 and staged in front of a garage, which was located in front of the suspect's house. As the arrest team was staging, the suspect exited the front door of the location armed with a handgun. The suspect appeared to become aware of the arrest team's presence and began to advance in their direction with the gun raised and pointed in their direction. Fearing for the safety of the arrest team deputies who could not see the front door, Deputy MacDonald fired five rounds from his M4 duty

weapon from his turret position, striking the suspect.

Suspect Perez sustained multiple gunshot wounds to the leg, arm and chest. He was transported to Saint Francis Medical Center where he was listed in critical condition. No Deputies were injured.

Investigators later learned that the suspect has a history of mental illness. The suspect held his [redacted] his developmentally disabled [redacted] and the family [redacted] at the location and kept all of them locked in the bedroom, and refused to let them out. They were freed unharmed, by deputies from Special Enforcement Bureau after the shooting.

IAB Note: IAB Lieutenant Grimaldi checked to see that the Watch Commander, Lieutenant Vera took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lt. Grimaldi checked to see if the Watch Commander attempted to have involved witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

IAB Note: The summary of this incident is based on physical evidence collected at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, IAB and Homicide investors observations, as well as information obtained from the original crime report and supplemental reports along with interviews of the involved employees and witnesses.

INVOLVED PERSONNEL

MACDONALD, John, Deputy Sheriff, #[redacted]
Office of Homeland Security
Special Enforcement Bureau

Work History

Date of Employment: 05/31/95
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: 2

Prior Founded Force Incidents: [redacted]

SUBJECT

PEREZ, Arturo Moreno, MH/55, DOB: 11/02/54
[redacted]

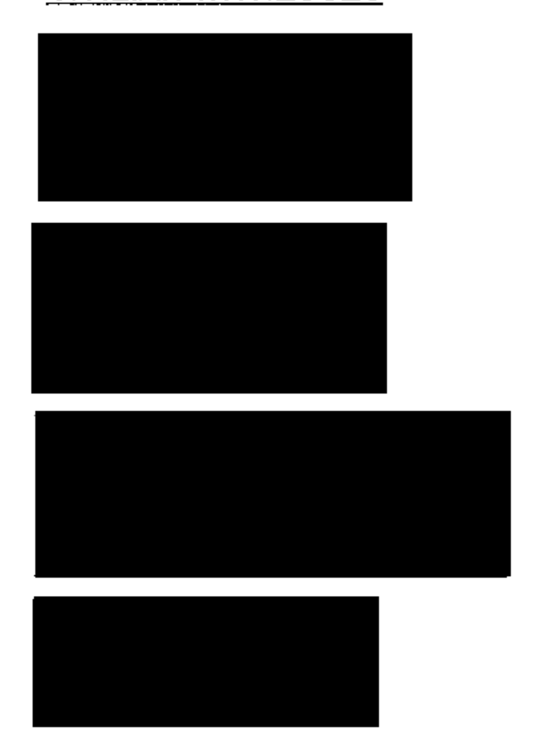
SWORN WITNESSES

LONGAN, Stephen, Deputy Sheriff #[redacted]
Office of Homeland Security
Special Enforcement Bureau

POKORNEY, Michael, Deputy Sheriff #[redacted]
Office of Homeland Security
Special Enforcement Bureau

HUTAK, Jodi, Deputy Sheriff #[redacted]
Office of Homeland Security
Special Enforcement Bureau

CIVILIAN WITNESSES



[redacted]

[redacted]

[redacted]

[redacted]



[redacted]

[redacted]

SUSPECT INJURIES

Suspect Perez sustained multiple gunshot wounds to the leg, arm and chest

DEPUTY INJURIES

None

PHYSICAL EVIDENCE

The following items of evidence were collected from the shooting scene.

Item	1	Cartridge case
Item	2	Cartridge case
Item	3	Cartridge case
Item	4	Cartridge case
Item	5	Cartridge case
Item	6	Suspect's Clothing
Item	7	Glasses
Item	8	Plastic piece from glasses
Item	9	Gun
Item	10	(6) Rounds
Item	11	(3) Medicine Vials, (1) Box of Valium
Item	12	Firearms Training Certificate w/Frame
Item	13.	Firearms Training Certificate w/Frame

Item 14. Piece of broken glass

Item 15. Bullet Fragment

Item 16. Bullet Fragment

Item 17. Empty Medical Vial

Item 18. Bullet Fragment

Item 19. (14) Rounds (1) Magazine

Item 20. (2) Air Pistols

Item 21. Misc. Papers

Item 22. Suspect's Badge and Wallet

Item 23. Bullet Fragment

IAB Note: See Exhibit "A", pages 80-82 for crime scene diagram. See pages 83 and 84 for a supplemental report authored by CSI Kim for further information.

INVESTIGATORS OBSERVATIONS

The investigator observed that the crime scene consisted of two adjacent locations, one scene was located at the residence of [redacted] Bear Avenue, and the other scene at the driveway of the residence of [redacted] Bear Avenue. **See exhibit A, pages 78-84 for further details.**

The physical evidence at the shooting scene appeared to be consistent with witnesses statements and Deputy MacDonald, Deputy Longan, Deputy Pokorney, and Deputy Hutak's statements.

Radio traffic was not recorded.

WEAPON USED BY DEPUTY PERSONNEL

Deputy John MacDonald

Service Weapon: Department authorized/issued Colt, M4/ M16A2E, select- fire rifle, serial number A[redacted]

Ammunition: Caliber 5.56 mm/ 223 Remington, Semi- 5 3/4, Auto-9, Cartridge Capacity 30+1, 5 fired 223 Rem caliber cart. Cases

Shell Casings: 4 fired bullets/fragments were found at the scene

Date last qualified: [redacted]

WEAPON USED BY SUSPECT PEREZ

Suspect Perez used a Rock Island Armory 45 Auto caliber, model 1911-A1 semiautomatic pistol

PROPERTY DAMAGE

Three bullet holes were found in the Kitchen's wooden crate table, located adjacent to the kitchen stove of the residence of [redacted] A Bear Avenue. These bullets perforated the wooden crate and splintered the wood. These bullets traveled in a western direction, and no further trajectories could be determined.

CRIMINAL INVESTIGATOR/CHARGES FILED

Homicide Detective Dawn Retzlaff filed one count of 207(a) P.C., Kidnapping, three counts of 236 P.C., False Imprisonment, and one count of 417©, Exhibiting a Firearm in the Presence of an Officer, against Suspect Perez under case number VA115017.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during daytime hours. The weather was sunny and there were no visibility issues.

INVOLVED DEPUTY STATEMENTS

Deputy John Patrick MacDonald was interviewed on September 28, 2010 in an interview room at the Internal Affairs Bureau office by Sergeants Brenda Parker and David Bly. The interview was audio recorded.

Deputy MacDonald said that on March 9, 2010, while he and his team were preparing for a warrant in Century Sheriff Station's area, he said he and his team heard via their radio

that there was a possible barricaded suspect in the city of Bell. He said they had all of their gear with them and since they were not far from the area, they headed to the command post in the city of Bell.

Deputy MacDonald said when they arrived at the command post, the scout of the team, Deputy [redacted] asked who had their gear and a M4 weapon. Deputy MacDonald said he told Deputy [redacted] he had his gear and a M4. He said Deputy [redacted] told him he was going to put him in the turret position in the ARV.

Deputy MacDonald said they drove to the location in the ARV and when they arrived in the driveway of the location, he said to Deputy [redacted] "I really don't know much about what's going on, can you explain to me everything you know." Deputy MacDonald said Deputy [redacted] said, "absolutely," and told them they had a possible barricaded suspect, possible hostage, rescue type situation. Deputy [redacted] said they were told there may or may not be other people in the house, and that they were still gathering information regarding the incident. Deputy [redacted] said they were told a neighbor called Bell P.D. and said there was a man walking around with a gun, who looked to be unstable or agitated. Deputy [redacted] said apparently Bell P.D. officers tried to make contact with him, and he pointed the gun at the officers. He said the officers backed off, and called the LASD SWAT team, who just happened to be in the area. Deputy [redacted] said the only description they had of the suspect at that time was that he was anywhere between twenty five and fifty. Deputy MacDonald commented that these types of missions are definitely information driven and they were still getting information that was going to dictate how this incident would be handled.

Deputy MacDonald said the house the suspect was in was the [redacted] structure which was located on a large lot with [redacted] other structures. He said he was told by the scout, Deputy [redacted] that the arrest team was going to be staged behind the [redacted] structure on the property. Deputy MacDonald said the arrest team is generally staged, set up, and squared away to where they have all the resources they need, and then at that point they will start filling the team positions and the scout will do a three hundred and sixty degree scouting mission to make sure all the positions are manned.

Deputy MacDonald said the scout told him he was going to need him in the ARV on the adjacent property, just north of the target location. He said they were instructed to go down the driveway in the ARV and stop when he (Deputy MacDonald) had a good observation of the front door. Deputy MacDonald said he was told he was the only one that would be able to see the front door of the suspect's house. He said he was told he was going to need to put out real time information if anything changes. He said at the time, the door of the suspect's residence was closed.

Deputy MacDonald said he got into his turret position. He said they brought the ARV into the driveway adjacent to the suspect's house, about twenty five to thirty meters from the door to where he had a clear observation of the front door. He said because he was in the turret, he was sitting up high and had a full and better view than anyone who may have been able to see from another position.

Deputy MacDonald said he has been in the turret position before with the team, and said these kind of incidents usually go for hours. He said he was getting comfortable in his position so he could get a good shooting platform. He said he thought they were going to be there for a while, and had to make sure he was comfortable because he was the only one who could see the door of the target location.

Deputy MacDonald said that as he was trying to get in a good position where he would have a good observation of the suspect's front door, the door opened. He said the suspect came out. Deputy MacDonald said he put out on the radio that the suspect came out of the house, and he had a gun ("he's 4-17"). Deputy MacDonald said the suspect came out of the door quickly, not deliberately or slowly, or in a manner implicating he wanted to give up. Deputy MacDonald said the suspect came out as if he was coming out to do something.

Deputy MacDonald said the suspect came out of the house holding the gun up in a port arms position at an approximate 45 degree angle. He said the suspect was looking around and looked straight at the ARV. He said based on the suspect's body language, it looked as if he didn't seem too concerned with the vehicle to where he felt threatened. Deputy MacDonald said the suspect waved the gun in a non-threatening manner, as if to say he was not concerned. Deputy MacDonald said he believes that the suspect did not realize what kind of vehicle the ARV was. Deputy MacDonald said as this was happening, he was putting the information out via the radio, and making sure everyone was aware the suspect had a gun in his right hand. He said the suspect then turned around, and started walking back into his house.

Deputy MacDonald said the suspect suddenly stopped walking. He said the suspect turned around in the direction of the arrest team and extended his right arm out, holding the gun as if he saw something he wanted to shoot. Deputy MacDonald said the suspect started walking at a quick pace with his right arm extended out, holding the gun towards the area where the arrest team was set up. Deputy MacDonald said he thought the suspect was going to shoot at the arrest team and he knew the arrest team could not see, and were not aware that the suspect was headed their way. Deputy MacDonald said he fired his weapon at the suspect in order to protect the arrest team from getting assaulted by the suspect.

Deputy MacDonald said he fired his M4 two times at the suspect, and saw that he hit the suspect. He said the suspect kept his balance and continued to walk toward the arrest team. Deputy MacDonald said that since the suspect continued to advance toward the arrest team, he fired approximately four more rounds down range, until he saw the suspect fall backwards towards the porch of his residence.

Deputy MacDonald said at that point, he could not see the gun in the suspect's hand anymore. He said he could see that the suspect's arm and leg were moving, but not in a manner that was threatening or that he thought he needed to shoot anymore. Deputy MacDonald said the suspect was hit and he could see that the suspect wasn't going anywhere. Deputy MacDonald said he put out information via his radio that the suspect was "shot" by him, and that the suspect did not fire any rounds. He said he advised the suspect was down in the doorway, but he could not see the gun.

IAB Note:Refer to Subject MacDonald's Verbatim transcripts for further details.

SWORN WITNESS STATEMENTS

LONGAN, Stephen, Deputy Sheriff

On March 09, 2010, Homicide Investigators McCarthy and Retzlaff responded to the Special Enforcement Bureau and interviewed involved deputy, Stephen Longan. Also present during the interview were Sergeants Diana Gealta and Brenda Parker from Internal Affairs Bureau. The interview was audio recorded.

Deputy Longan said that while his team was doing a "drive-by" for a future unrelated warrant, Special Enforcement Bureau received a call of a man barricaded inside a house with a gun. He said his team arrived at the command post, at which time they started loading up their gear in an armored vehicle. He said they responded to the street, a few houses down from where the incident was. He said Deputy [redacted] who was the scout for the Black Team, took them over to a containment spot where they actually had eyes on the front door. He said they parked the armored vehicle in the driveway of the neighboring property.

Deputy Longan said that Deputy MacDonald was in the turret, which is the half that opens up on the armored vehicle which gave him an elevated position so that he could see the front door of the location clearly. He said that he was riding on the "pin side", which is the passenger side of the ARV. He said Deputy Mike Pokorney was driving and Deputy Jodi Hutak was in the back of the ARV.

Deputy Longan said Deputy Hutak loaded up a 40 millimeter gas launcher in case they went in barricade mode, and there was also a 40 millimeter with a sponge round available for less lethal as well. He said as they were setting up in the ARV, Deputies MacDonald and Pokorney were watching the front door of the location where the suspect was barricaded. He said they hadn't been set up for very long when he heard Deputy MacDonald on his radio yell "the door's opening." He said that all of a sudden the door "cracked" open, and the suspect came out. He said at that time, he heard Deputy Pokorney say "He's 417, he's got a gun." Deputy Longan said that everyone in the ARV saw the suspect at the door with the gun.

IAB Note: Deputy Hutak said she did not see the suspect because she was standing in back of the ARV, and there was a high retaining wall that separated the properties.

Deputy Longan said the suspect then walked out of the front door a couple of steps, and started scanning and looking around. He said that at one point, the suspect looked right at the ARV. Deputy Longan said the suspect was outside less than a minute when he turned around and walked back toward his front door. He said at the same time, the arrest team

was being set up on the same property, but they didn't have a view of the front door because they were tucked into a carport area.

Deputy Longan said it looked like the suspect was about to go back inside of his residence, but he suddenly started making his way towards the arrest team. Deputy Longan said the suspect's arm was extended out in the direction of the arrest team and he was holding a handgun in his hand. Deputy Longan said he does not know what alerted the suspect. He said he then heard four to five rounds. He said the suspect looked like his head went down, and he almost fell back into the doorway of his residence.

IAB Note: Refer to Witness Longan's Verbatim transcripts for further details.

POKORNEY, Michael

On March 09, 2010 Homicide Investigators McCarthy and Retzlaff responded to the Special Enforcement Bureau and interviewed involved deputy, Michael Pokorney. Also present during the interview were Sergeants Diana Gealta and Brenda Parker from Internal Affairs Bureau. The interview was audio recorded.

Deputy Pokorney said he was at the Special Enforcement Bureau with his team performing duties when he was given keys and asked to drive the S.W.A.T. van down to Bell Gardens in regards to a "call out" that the Black Team was responding to. He said that once he arrived at the command post, he was told that he would be driving the ARV. He said he waited for the necessary personnel to occupy the ARV so he could drive it to the target location. He said once he arrived at the target location, he was directed by Deputy [redacted] to position the ARV on a containment spot. He said Deputy [redacted] walked alongside the vehicle using it as cover while he guided him through a small driveway and then to the back yard of house where they could get a view of the "one four corner" of the target location. He said he took direction by Deputy [redacted] on how to get the ARV situated. He said they stopped at one point, and Deputy [redacted] asked Deputy MacDonald if he had a clear view from his turret position of the front door of the target location. He said at that point, they re-situated the vehicle, moving it forward so that Deputy MacDonald had a clearer view.

Deputy Pokorney said that before they were in position and secured in the ARV, Deputy Bones gave them a brief scenario and brief intelligence on the problem. He said the problem was still very new, and they didn't have many details at that time. Deputy [redacted] told them he would continue to brief them as more information became available.

Deputy Pokorney said he had a clear view of the front door of the target location through his driver's side window and Deputy MacDonald had a clear view over top of the front door of the location from the turret. He said he was "static," watching and observing through his driver's side window. He said a very short time passed, and he saw the front door of the target location open. He said he saw the suspect walk out of the front door. He said he immediately saw that the suspect was holding a semi-automatic black or blue metal

color pistol in his right hand. He said the suspect looked as if he were looking for direction, or for "the noise." Deputy Pokorney said the suspect then looked right in his direction, then looked at the ARV for approximately three to five seconds. He said the suspect looked kind of unimpressed when he saw the ARV, and it did not register with him what type of vehicle the ARV was. He said the suspect then turned to his right and looked as if he were going to go back into the house. Deputy Pokorney said that almost instantaneously, the suspect turned his shoulder and extended the pistol out, from the port arms position, to straight in front of him.

Deputy Pokorney said the suspect moved with the pistol in the direction where the entry team was. He said that while the pistol was pointed out in the arrest teams direction, he heard a "boom." He said he thought the suspect shot at them because he saw the gun pointing in their direction. He said he then saw the suspect turn, he then heard a couple of more shots. He said he then saw the suspect fall down at the base, inside of the front door of his residence. He said he kept his eyes on the suspect the whole time. He said about a minute or so after he went to the ground, there was not a lot of movement. He said that he and Deputy MacDonald corroborated that they saw his hand moving. He said the entry team made a decision to safely move up, and he relayed the information that they saw the suspect's hand move. He said the arrest team went up to the door and safety detained the suspect.

IAB Note: Refer to Witness Pokorney's Verbatim transcripts for further details.

HUTAK, Jodi

On March 09, 2010 Homicide Investigators conducted a brief interview with Deputy Jodi Hutak regarding her actions and observations during the shooting incident. Deputy Hutak said there was information from Bell PD that there was a suspect in a house, possibly with additional victims. She said the information she received was that the suspect threatened Bell PD officers with a gun. Deputy Hutak said, "Because of the fact that they saw the suspect go into the residence with a gun, knowing that there were individuals besides the suspect in that house, Bell PD called the Special Enforcement Bureau."

Deputy Hutak said she arrived at the location in an armored vehicle, driven by Deputy Pokorney. She said deputies Longan and MacDonald were also in the vehicle. She said they positioned their armored vehicle to the north of the location, in the north driveway of a residence to the north. She said she and Deputy Longan were assigned to the containment, Deputy Pokorney was the driver, and Deputy MacDonald was assigned to the turret, in the high ground security position with the long rifle.

Deputy Hutak said that approximately eight minutes after they arrived in their position in the back yard adjacent to the target location, she heard Deputy MacDonald say that he saw the front door of the location opening, and the suspect exiting the location with a gun. She said she then heard gunshots. Deputy Hutak said she did not see the suspect because she was

standing in back of the ARV, and there was a high retaining wall that separated the properties.

IAB Note: Refer to Witness Hutak's Verbatim transcripts for further details.

CIVILIAN STATEMENTS

[redacted]

On March 09, 2010 at approximately 1520 hours, Investigators McCarthy and Retzlaff interviewed Witness [redacted] at the Bell Police Department In an interview room. The interview was audio recorded. Sergeants Diana Gealta, David Bly and Brenda Parker were present during the interview. Detective [redacted] acted as a Spanish interpreter.

Witness [redacted] said that on the evening prior to the shooting incident, she was at home with her [redacted] and [redacted] (Suspect Perez) asleep. She said her [redacted] woke her up and told her not to go outside because the police were going to take her away. She said she looked out the window but didn't see anyone, so she went back to bed. She said approximately fifteen minutes later, her [redacted] came back into her bedroom with a gun. She said she asked him why he had the gun and he told her he was waiting for the F.B.I. and police to arrive. She said her [redacted] then told her he was going to detain all of the neighbors, but did not tell her why he was acting so erratically.

Witness [redacted] said her [redacted] waived the gun around and told her that she and her [redacted] were being detained and that once the police arrived, they were going to take them away. She said he then told them to stay inside the bedroom and he left the room, closing the door behind him. She said she was extremely frightened and felt she could not leave the room or house. Witness [redacted] said that during the night, the suspect removed them from the bedroom, had them sit on the couch in the front room, and placed them back in the bedroom several times. She said he continued to waive his gun and tell them they were being detained and could not go outside.

She said that throughout the night, she could hear the suspect walking throughout the house, manipulating the slide on the gun. She said she could not see exactly what he was doing, but she could hear the medal sound of the slide moving back and forth. She said she was so frightened that she would not open the door or leave the bedroom. She said that her son had removed the telephone from her bedroom, so she was not able to call the police.

Witness [redacted] said that several hours later, she finally opened her bedroom door and asked the suspect why he hadn't put his gun away. She said he replied, "I'm waiting for the F.B.I." She said during the detention, her [redacted] arrived at the door. She said she yelled at her from the room not to come into the house, and to leave the location. She said

she then heard her [redacted] tell [redacted] to leave all of her personal belongings outside and come into the house. He then placed [redacted] in the room with Witness [redacted] and her [redacted]

Witness [redacted] said her [redacted] called her and told her she was worried about her safety and asked her why her [redacted] was walking around outside with a gun. She said she asked her neighbor to call the police. She said when the police arrived, her son was back in the house, and she and her [redacted] were back in her bedroom. She said her [redacted] began screaming and yelling at the police officers. She said he yelled, "You can't come in, I'm not coming out, I'm armed!" She said he also made statements that he was an F.B.I. agent and that if the Bell Police Officers came close to the residence, he was going to shoot them.

Witness [redacted] said she heard the announcements the police made, but could not understand them. She said several minutes after the announcements were made, she heard the gunfire.

Witness [redacted] said the suspect had a permit to carry a weapon and she accompanied him when he purchased the gun. She said to her knowledge, he only had one handgun and two replica handguns in the residence. She said the suspect was unemployed at this time but had recently been employed as a security guard in the city of Huntington park, which is the reason he purchased the gun.

Witness [redacted] said her [redacted] began having episodes of mental illness sometime after purchasing the handgun. She described him as a "Good boy" and a "Home body." She said during the past few months, she found that her [redacted] was using drugs and drinking wine. She specifically recalled an incident where he was hallucinating in the street and told her there were people who wanted to harm him. She said she asked him to get psychological help, but she does not know if he went to the doctor or not. She said her [redacted] began having periodic episodes, but recently, they were occurring with more frequency.

[redacted]

On March 09, 2010 at approximately 1616 hours, Investigators McCarthy and Retzlaff interviewed Witness [redacted] at the Bell Police Department In an interview room. The interview was audio recorded. Sergeants Diana Gealta, David Bly and Brenda Parker were present during the interview.

Witness [redacted] said she is the [redacted] of Witness [redacted] and takes care of her five days a week. She said she arrived at the location at 0940 hours. She said she walked past the [redacted] house on the lot and was told by the [redacted] of the [redacted] house, Witness [redacted] that the suspect had been walking around outside with a handgun. She said she continued to the rear residence and knocked on the front door.

Witness [redacted] said Suspect Perez came to the front door and ordered her to put her belongings on the floor while he was holding the handgun. She said he ordered her to raise

her hands, and searched her. Witness [redacted] said once she was inside the residence, Suspect Perez told her he was the F.B.I. She said he took her to the room where Witness [redacted] and her [redacted] who is a special needs adult, were being held against their will. As she entered the room, Witness [redacted] told her to leave, but Suspect Perez would not let her leave the house.

Witness [redacted] said shortly thereafter, Suspect Perez took her out of the bedroom and ordered her to cook his [redacted] lunch. She said the suspect held the gun the entire time, and would not put it down. She said the suspect continually told her there were people outside of the house. She said as she was preparing lunch, the suspect made her kneel down on the floor and told her to pray. She said she thought he was going to shoot her. She said the suspect then knelt on the floor with her and stated, "God is with you and your family." She said he then got up and told her to go back into the bedroom.

She said a short time later, he came back into the bedroom and appeared angry. She said he told her to go out into the living room and kneel on the floor again. She said he told her that the person who was giving him the order was upset because he had given her his blessing and that God was not going to forgive her.

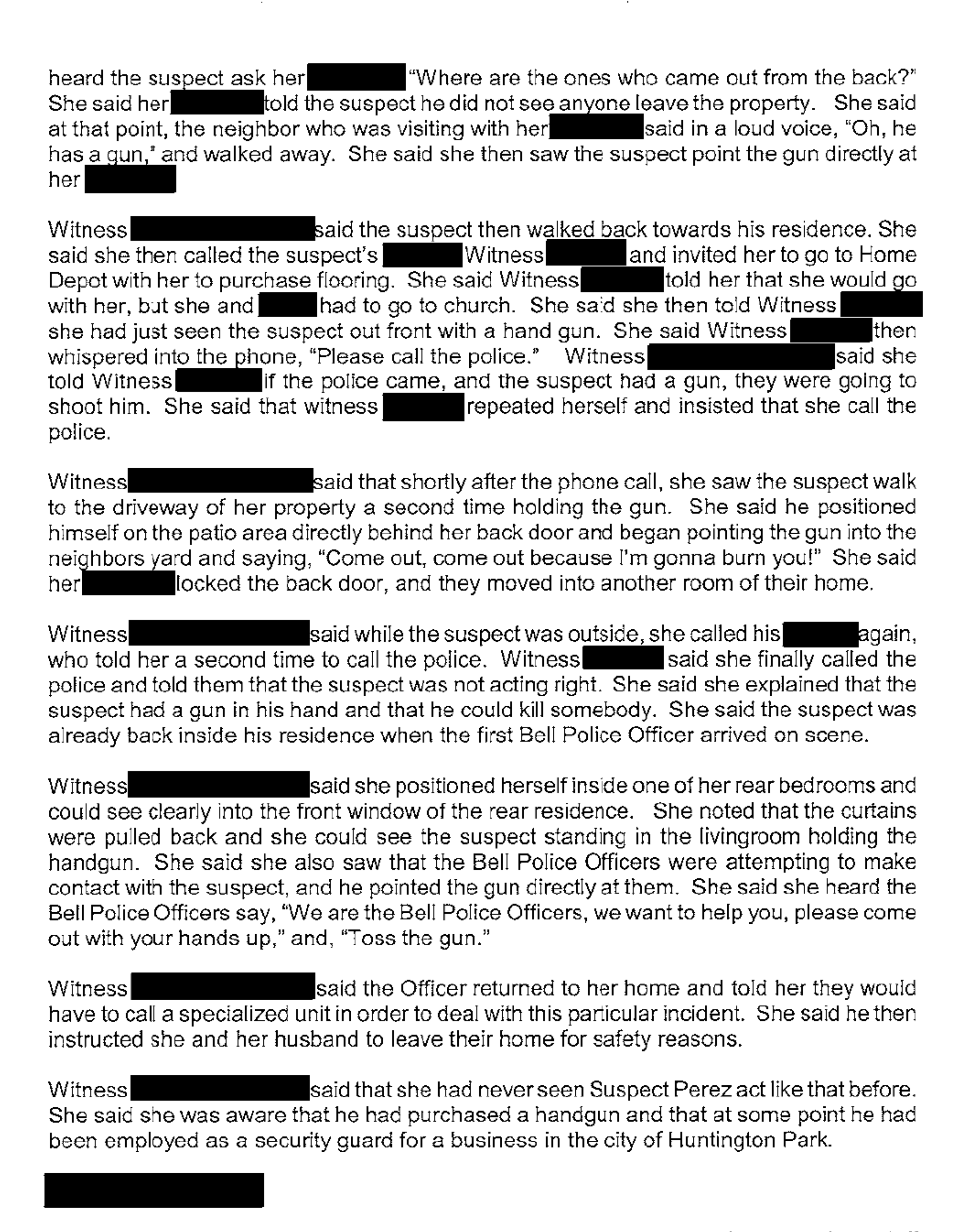
Witness [redacted] said she knew the police were outside because she could hear them ordering the occupants of the residence to come outside. She said she could hear the suspect becoming angry with the police, yelling and threatening them. She said she was constantly praying with the suspect's [redacted] during the ordeal because they were both extremely frightened. Witness [redacted] said she was afraid the suspect was going to, "Shoot or kill." She said prior to the incident, she had never been afraid of the suspect. She said she knew he suffered from anxiety in the past, but had never seen him behave in that manner.

[redacted]

On March 09, 2010 at approximately 1651 hours, Investigators McCarthy and Retzlaff interviewed Witness [redacted] at the Bell Police Department In an interview room. The interview was audio recorded. Sergeants Diana Gealta, David Bly and Brenda Parker were present during the interview. Detective [redacted] acted as a Spanish interpreter.

Witness [redacted] told investigators she and her [redacted] own and live at the location where the incident occurred. She explained that there are [redacted] structures on the property which include the main house in the [redacted] where she and her [redacted] live, the garage, which is located behind the main house, and a small residence which is located behind the garage.

Witness [redacted] said that earlier in the day, she was inside her home preparing food and saw the suspect walk past her kitchen window holding a handgun in one hand and a card in the other. She said she then looked through the front window of her home and saw her [redacted] seated in a chair on the front porch talking with a neighbor. She said she



heard the suspect ask her [redacted] "Where are the ones who came out from the back?" She said her [redacted] told the suspect he did not see anyone leave the property. She said at that point, the neighbor who was visiting with her [redacted] said in a loud voice, "Oh, he has a gun," and walked away. She said she then saw the suspect point the gun directly at her [redacted]

Witness [redacted] said the suspect then walked back towards his residence. She said she then called the suspect's [redacted] Witness [redacted] and invited her to go to Home Depot with her to purchase flooring. She said Witness [redacted] told her that she would go with her, but she and [redacted] had to go to church. She said she then told Witness [redacted] she had just seen the suspect out front with a hand gun. She said Witness [redacted] then whispered into the phone, "Please call the police." Witness [redacted] said she told Witness [redacted] if the police came, and the suspect had a gun, they were going to shoot him. She said that witness [redacted] repeated herself and insisted that she call the police.

Witness [redacted] said that shortly after the phone call, she saw the suspect walk to the driveway of her property a second time holding the gun. She said he positioned himself on the patio area directly behind her back door and began pointing the gun into the neighbors yard and saying, "Come out, come out because I'm gonna burn you!" She said her [redacted] locked the back door, and they moved into another room of their home.

Witness [redacted] said while the suspect was outside, she called his [redacted] again, who told her a second time to call the police. Witness [redacted] said she finally called the police and told them that the suspect was not acting right. She said she explained that the suspect had a gun in his hand and that he could kill somebody. She said the suspect was already back inside his residence when the first Bell Police Officer arrived on scene.

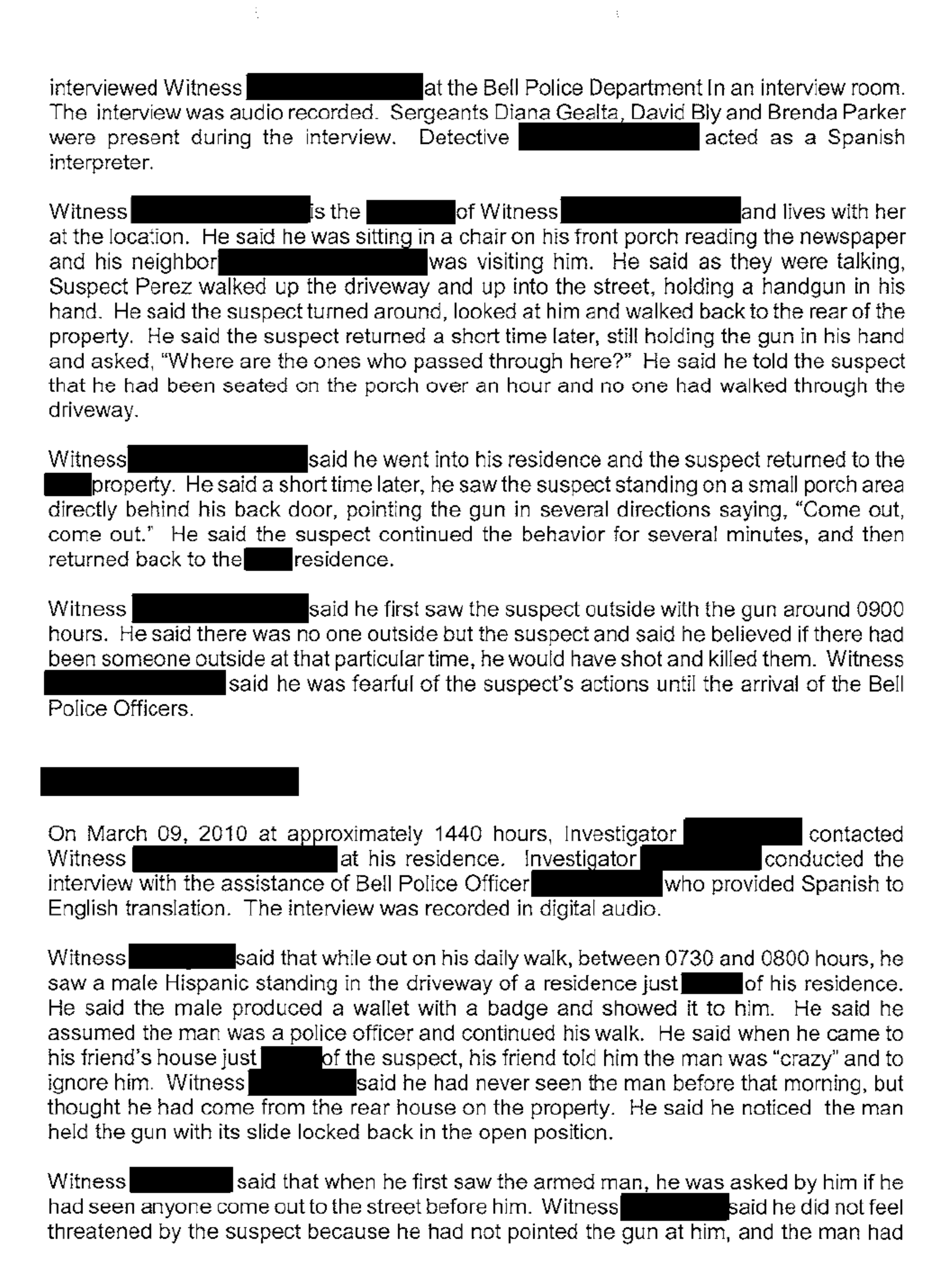
Witness [redacted] said she positioned herself inside one of her rear bedrooms and could see clearly into the front window of the rear residence. She noted that the curtains were pulled back and she could see the suspect standing in the livingroom holding the handgun. She said she also saw that the Bell Police Officers were attempting to make contact with the suspect, and he pointed the gun directly at them. She said she heard the Bell Police Officers say, "We are the Bell Police Officers, we want to help you, please come out with your hands up," and, "Toss the gun."

Witness [redacted] said the Officer returned to her home and told her they would have to call a specialized unit in order to deal with this particular incident. She said he then instructed she and her husband to leave their home for safety reasons.

Witness [redacted] said that she had never seen Suspect Perez act like that before. She said she was aware that he had purchased a handgun and that at some point he had been employed as a security guard for a business in the city of Huntington Park.

[redacted]

On March 09, 2010 at approximately 1735 hours, Investigators McCarthy and Retzlaff


interviewed Witness [redacted] at the Bell Police Department In an interview room. The interview was audio recorded. Sergeants Diana Gealta, David Bly and Brenda Parker were present during the interview. Detective [redacted] acted as a Spanish interpreter.

Witness [redacted] is the [redacted] of Witness [redacted] and lives with her at the location. He said he was sitting in a chair on his front porch reading the newspaper and his neighbor [redacted] was visiting him. He said as they were talking, Suspect Perez walked up the driveway and up into the street, holding a handgun in his hand. He said the suspect turned around, looked at him and walked back to the rear of the property. He said the suspect returned a short time later, still holding the gun in his hand and asked, "Where are the ones who passed through here?" He said he told the suspect that he had been seated on the porch over an hour and no one had walked through the driveway.

Witness [redacted] said he went into his residence and the suspect returned to the [redacted] property. He said a short time later, he saw the suspect standing on a small porch area directly behind his back door, pointing the gun in several directions saying, "Come out, come out." He said the suspect continued the behavior for several minutes, and then returned back to the [redacted] residence.

Witness [redacted] said he first saw the suspect outside with the gun around 0900 hours. He said there was no one outside but the suspect and said he believed if there had been someone outside at that particular time, he would have shot and killed them. Witness [redacted] said he was fearful of the suspect's actions until the arrival of the Bell Police Officers.

[redacted]

On March 09, 2010 at approximately 1440 hours, Investigator [redacted] contacted Witness [redacted] at his residence. Investigator [redacted] conducted the interview with the assistance of Bell Police Officer [redacted] who provided Spanish to English translation. The interview was recorded in digital audio.

Witness [redacted] said that while out on his daily walk, between 0730 and 0800 hours, he saw a male Hispanic standing in the driveway of a residence just [redacted] of his residence. He said the male produced a wallet with a badge and showed it to him. He said he assumed the man was a police officer and continued his walk. He said when he came to his friend's house just [redacted] of the suspect, his friend told him the man was "crazy" and to ignore him. Witness [redacted] said he had never seen the man before that morning, but thought he had come from the rear house on the property. He said he noticed the man held the gun with its slide locked back in the open position.

Witness [redacted] said that when he first saw the armed man, he was asked by him if he had seen anyone come out to the street before him. Witness [redacted] said he did not feel threatened by the suspect because he had not pointed the gun at him, and the man had

shown him a badge. He said he did not call the police, and continued on his walk for approximately one hour. Witness [redacted] said later that morning around 0900 or 1000, after returning from his walk, he heard three to four gunshots.

SUBJECT STATEMENTS

PEREZ, Arturo Moreno

> **IAB Note: Bell P.D. Officers Listed the suspect's name as Arturo Perez Moreno on their Felony Report. Los Angeles County Sheriff's Department Homicide Investigators recorded and filed criminal charges against the suspect in the name of Arturo Moreno Perez. DMV records list the suspect as Arturo Perez Moreno. For the purposes of this Investigative Summary, the name Arturo Moreno Perez will be used to refer to the suspect.**

Suspect Perez was interviewed by Homicide Detectives Investigator Dawn Retzlaff and Sergeant Shaun McCarthy. They were assisted with the interview by Detective [redacted] of the Bell Police Department with translating English into Spanish and Spanish into English while speaking with Suspect Perez.

Suspect Perez told Detectives that although he had no problem recalling events which occurred prior and after the shooting incident, he could not recall the events that occurred on March 9, 2010. He said he believed the reason he could not recall was because he was under the influence of cocaine and alcohol.

Suspect Perez said he did not know how he got hurt and that no one told him what happened. He later admitted that his [redacted] told him that the "police" took his .45 caliber gun and said, "The police took it away because of what happened." Suspect Perez admitted to purchasing the .45 caliber gun and keeping it inside his home in a locked box. He stated he was in the process of securing a permit to carry every type of firearm available. He also said he had been working various security jobs, providing security for weddings and other special events, but not working for a security company.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

January 7, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0188
L.A.S.D. File # 010-00022-3199-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 9, 2010, non-fatal shooting of Arturo Perez by Los Angeles County Sheriff's Department (LASD) Deputy John MacDonald. We find that Deputy MacDonald acted lawfully in defense of others.

The District Attorney's Command Center was notified of this incident at 12:12 p.m. on March 9, 2010. The District Attorney Response Team, consisting of Deputy District Attorney Sean Hassett and Senior Investigator [redacted] responded to the scene. They were given a briefing and walk-through of the scene by LASD Lieutenant Liam Galleger.

The following analysis is based upon the police reports and witnesses' statements submitted to this office by LASD Detective Dawn Retzlaff. Compelled statements, if any exist, were not considered in our analysis.

FACTUAL ANALYSIS

On the evening of March 8, 2010, Arturo Perez, an unemployed armed security guard, was at the apartment he shared with his [redacted] ([redacted]), and his mentally disabled [redacted] ([redacted]), in the City of Bell. Sometime that night, [redacted] was asleep in her bedroom when she was awakened by Perez telling her not to go outside because the police would

take her away. She looked outside but did not see anything unusual so she returned to bed. A short time later, Perez returned to her room holding a gun. He said that he was waiting for the FBI and police to arrive. His behavior became increasingly erratic and he began waiving the gun, saying that he was going to detain the neighbors. He told her that she and [redacted] were being detained and would not allow them to leave the room.

Throughout the night, [redacted] could hear Perez walking around the house manipulating the slide of the gun. Several times that night, he removed the two women from the room, had them sit on the couch and then returned them to the bedroom. He continually waved the gun and reminded them that they were being detained and could not leave the premises. [redacted] was extremely frightened particularly because Perez had previously suffered from episodes of mental illness, which were exacerbated by his drug and alcohol use. However, she was unable to call the police because Perez had removed the telephone from her bedroom.

The following morning, [redacted] arrived. As she entered the apartment, Perez told her to put her hands up, searched her and ordered her into the bedroom along with [redacted] and [redacted] He told her that she was a suspect and that he was the FBI. He later let her out of the room in order to prepare a meal for [redacted] He held the gun and repeatedly told her that there were people outside his home. While she was cooking, he ordered her to kneel on the floor and pray. He then told her to go back into the room. He later ordered her into the living room and forced her to kneel down. He stated that the person who was giving him "the order" was upset because he had given her his blessing and God was not going to forgive her. [redacted] feared that Perez was going to shoot her and prayed for her life.

Sometime that morning, [redacted] was able to answer the phone when she received a call from her [redacted] and [redacted] was calling to check on her welfare and to advise her that [redacted] had been outside holding a gun. [redacted] heard him ask her [redacted] "Where are the ones who came out from the back?" Her [redacted] replied that he had not seen anyone. [redacted] later saw Perez a second time, pointing the gun at a neighbor's yard saying, "Come out, Come out, because I'm gonna burn you!"

While on the phone with [redacted] whispered to her to call the police. However, [redacted] did not do so fearing that [redacted] would do "something" to the police. [redacted] later received a second phone call from [redacted] and pleaded with her to contact the police. [redacted] agreed and called 911.

At approximately 9:40 a.m., Officers [redacted] and [redacted] of the Bell Police Department (BPD) responded to the residence. They were aware that Perez was observed brandishing a gun and that there were possible female hostages inside the residence. Upon arrival, Officer [redacted] knocked on the door and attempted to make contact with Perez. He announced in Spanish that they were officers from the BPD and needed to speak with him. Perez stated, "Are you the FBI? I want to speak to the FBI." He refused to come outside to speak to them.

Since the officers could not see Perez inside the residence, they re-positioned themselves for safety. Officers [redacted] and [redacted] moved approximately ten yards from the front

window of the apartment, behind the garage, and Officer [redacted] maintained a position at the front northeast corner of the apartment. From behind the garage, Officer [redacted] observed Perez at the front window pointing a black semiautomatic handgun at Officer [redacted] through the curtains. Officer [redacted] yelled, "Gun, Gun, Watch Out!" Fearing for his safety, Officer [redacted] ran and took cover behind the garage along with the other officers. They subsequently lost sight of Perez inside the apartment.

Sergeant [redacted] of BPD arrived shortly thereafter and was advised of the situation. The officers continued to order Perez to come out and surrender but he refused. They also called for his surrender through a P.A. system but received no response. Perez opened and closed the door several times and pointed the gun in the direction of the officers on two separate occasions but immediately closed the door. Sergeant [redacted] was aware that there were three women inside the residence, possibly being held against their will, and was concerned for their safety so he requested assistance. The LASD Special Enforcement Bureau (SEB) was notified and responded to the scene.

LASD Deputies MacDonald, Longan, Pokorny and Hutac were directed to drive an Armored Response Vehicle (ARV) to the residence and position themselves at a containment point in an adjacent driveway just north of the location. They were told that there was a barricaded suspect with a loaded weapon inside the residence. They were also provided with Perez's physical description and advised that he "may or may not have hostages." Deputy MacDonald took a position in the overhead turret of the ARV approximately 25 to 30 yards away from the front door. He was advised that because of the property layout, he would be the only officer on scene who could see the front door. He noticed that the front security door was partially open. Moments later, he observed the security door open outward and Perez walk through the doorway holding a black handgun in his right hand. Perez stepped out onto the porch and looked around while waiving the gun back and forth in his hand in a "port arms" position. Perez looked directly at Deputy MacDonald and the ARV but appeared "unconcerned" by their presence. He continued looking around and waiving the gun and then began walking back into the residence. As he entered the doorway, Perez suddenly turned as if he were alerted to something, and quickly walked back outside while pointing the gun in the direction of the "arrest team" of officers, who were approximately 25-30 yards away. Believing that he would shoot one of the officers, Deputy MacDonald immediately fired one round from his department issued service weapon.[1] Perez appeared wounded but continued to advance towards the officers so Deputy MacDonald fired four additional rounds. Perez fell to the ground, as did his gun[2]. He was ultimately transported to St. Francis Medical Center where he was treated for multiple gunshot wounds.

On April 10, 2010, LASD Homicide Investigators Retzlaff and McCarthy conducted an interview of Perez at the hospital. They were assisted by [redacted] of the BPD, who translated the interview. Perez stated that he could not recall the events of March 9, 2010. He believed that the reason he could not recall the incident was because he was under the influence of cocaine and alcohol.

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[1] Deputy MacDonald was armed with an M-4 Rifle.

[2] The gun was a .45 caliber, semiautomatic pistol.

LEGAL ANALYSIS

Penal Code §§ 692-694 specifically authorize any individual protecting himself or another to use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. (See CALJIC 5.30, 5.32)

The use of deadly force in self-defense or in defense of others is considered justifiable if the person claiming the right to use self-defense actually and reasonably believed that he or the person being defended is in imminent danger of death or great bodily injury. People v. Mercer (1962) 210 Cal.App.2d 153, 161; People v. Glover (1903) 141 Cal. 233, 239 and People v. Ortiz (1923) 63 Cal.App. 662, 668.

In Graham v. Connor (1989) 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident "including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." (*Id.*, at 396) Further the Court stated, "[t]he "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight." (*Id.*, at 397) Moreover, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation." (*Id.*, at 397-398)

CONCLUSION

The evidence examined shows that Arturo Perez barricaded himself inside his residence with three potential hostages while armed with a firearm. He ignored the officers' repeated requests and commands for his surrender. He stepped out the front door in a determined fashion while waiving a semiautomatic handgun in a dangerous manner. He did this being fully aware of the presence of officers. Even after observing the ARV, Perez did not surrender but rather moved towards the arresting officers while pointing the gun in their direction. Deputy MacDonald believed at that time that the arresting officers were in a position where they could not see Perez and vulnerable to attack. In fear for the lives of the arresting officers, Deputy MacDonald made the split-second decision to fire one round at Perez rather than risking him shooting one of the officers. Moreover, when Perez continued in the direction of the officers, despite being wounded, MacDonald fired additional rounds to ensure that the officers were no longer in jeopardy.

Based on the foregoing, we find that Deputy John MacDonald acted in lawful defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Rosa Alarcon

ROSA ALARCON
Deputy District Attorney
(213) 974-3888

c: Deputy John MacDonald, #[redacted]